

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>MICHAEL KINCAID,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>8:04CV287</b>
<b>vs.</b>	)	
	)	<b>REPORT AND</b>
<b>DOUGLAS COUNTY, et al.</b>	)	<b>RECOMMENDATION</b>
	)	
<b>Defendants.</b>	)	

This case is before the magistrate judge for full pretrial supervision. On July 29, 2005, the plaintiff was ordered to show cause by August 15, 2005 why this case should not be dismissed pursuant to NECivR 41.1 for failure to prosecute. The order was mailed to the plaintiff at his last known address and has not been returned to the court as undeliverable.

The record shows that plaintiff has repeatedly delayed the progression of this case by failing to maintain contact with his former attorney and otherwise failing to meet every case progression deadline established by this court. For example, plaintiff's former attorney appeared for Rule 16 conferences on February 14, 2005 and March 14, 2005. On both occasions, the conference could not go forward because counsel had been unable to locate the plaintiff since September 22, 2004. Counsel briefly established contact with the plaintiff in late March 2005. Consequently, the case was not dismissed at that time. See Filing 21. On July 7, 2005, however, counsel filed a motion to withdraw. The matter was set for hearing and plaintiff was given notice of the hearing. He did not attend the hearing, although he was ordered to do so, resulting in the entry of the July 29, 2005 Order to Show Cause (#27).

This case cannot remain on the docket indefinitely. Since plaintiff has repeatedly failed to go forward with the case and has apparently abandoned the case,

**IT IS RECOMMENDED** that this case be dismissed without prejudice for failure to prosecute.

**IT IS ORDERED** that the Clerk shall send a copy of this Report and Recommendation to the plaintiff at his last known address, i.e., 4605 N. 19th Street, Omaha, Nebraska 68110.

**DATED August 17, 2005.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**